

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)

HANS J. BEUSTER,
Plaintiff,

v.

EQUIFAX INFORMATION
SERVICES, LLC, et al.,
Defendants.

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Case No. 8:05-cv-02816 (DKC)

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**DEFENDANT BANK ONE DELAWARE, N.A.'S
ANSWER TO COMPLAINT**

Bank One Delaware, N.A., now known as Chase Bank USA, N.A. ("Defendant"), by its undersigned counsel, for its answer to the Complaint filed against it in the captioned case by Hans J. Beuster, plaintiff, states as follows:

Preliminary Statement

1. Defendant is not required to admit or deny the averments of paragraph 1 as they call for conclusions of law.

Jurisdiction

2. Defendant is not required to admit or deny the averments of paragraph 2 as they call for conclusions of law.

3. Defendant is without knowledge or information sufficient to state a belief as to the averments contained in paragraph 3.

4-7. Defendant is without knowledge or information sufficient to state a belief as to the averments contained in paragraphs 4 through 7, and since such averments pertain to Equifax Information

Services, LLC and Trans Union, LLC, no responsive pleading is required of this Defendant.

8. Defendant answers that Bank One Delaware, N.A., now known as Chase Bank USA, N.A., is a credit card-issuing national banking association.

9-11. Defendant is without knowledge or information sufficient to state a belief as to the averments contained in paragraphs 9 through 11.

12. Defendant admits that Plaintiff contacted Defendant in January 2005 to request that his name be removed from account 4366 1500 0543 3332 and that reference to the account be removed from his credit report. Defendant denies the remaining averments of paragraph 12.

13. Defendant admits that Defendant sent Plaintiff a letter on or about January 19, 2005. The content of the letter speaks for itself. Defendant denies the remaining averments of paragraph 13.

14-17. Defendant is without knowledge or information sufficient to state a belief as to the averments contained in paragraphs 14 through 17.

18. Defendant denies the averments of paragraph 18.

19-23. Defendant is without knowledge or information sufficient to state a belief as to the averments contained in paragraphs 19 through 23.

First Claim for Relief Against Equifax and Trans Union

24-28. With respect to the averments of paragraphs 24 through 28 of the Complaint, pertaining to Equifax Information Services, LLC and Trans Union, LLC, no responsive pleading is required for averments directed toward other parties.

Second Claim for Relief Against Equifax and Trans Union

29-33. With respect to the averments of paragraphs 29 through 33 of the Complaint, pertaining to Equifax Information Services, LLC and Trans Union, LLC, no responsive pleading is required for

averments directed toward other parties.

First Claim For Relief Against Bank One/First USA

34. Defendant repeats and incorporates its answers to the preceding paragraphs, adopted by reference in the Complaint by Plaintiff, as if fully restated herein.

35. Defendant admits that Defendant furnished information to Equifax and Trans Union indicating that Plaintiff was responsible for the account in question. Defendant denies the remaining averments of paragraph 35.

36. Defendant denies the averments of paragraph 36.

37. Defendant denies the averments of paragraph 37.

38. Defendant denies the averments of paragraph 38.

Second Claim For Relief Against Bank One/First USA

39. Defendant repeats and incorporates its answers to the preceding paragraphs, adopted by reference in the Complaint by Plaintiff, as if fully restated herein.

40. Defendant denies the averments of paragraph 40.

41. Defendant denies the averments of paragraph 41.

42. Defendant denies the averments of paragraph 42.

43. Defendant denies the averments of paragraph 43.

WHEREFORE, Defendant Bank One Delaware, N.A., now know as Chase Bank USA, N.A., demands judgment dismissing Plaintiff's Complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

General Denial

Defendant generally denies each and every allegation of the Complaint that has not otherwise

been expressly admitted above.

Affirmative Defenses

1. The Complaint fails to state a claim against Defendant upon which relief may be granted.
2. Defendant has, at all material times with respect to the Plaintiff, acted in good faith and complied fully with the Fair Credit Reporting Act (“FCRA”) and relevant state laws, and any harms suffered by Plaintiff was not caused by any act or omission of Defendant.
3. With respect to Plaintiff, Defendant’s conduct and alleged statements were entirely privileged under the FCRA and relevant state laws and/or true.
4. Based upon the averments upon which Plaintiff’s claims are made, Defendant is immune from suit under the FCRA and relevant state laws.
5. Any harm suffered by Plaintiff was caused by Plaintiff’s own conduct, or the conduct of third parties over which Defendant has no control or authority.
6. Plaintiff’s claims are barred by the doctrines of laches, unclean hands, waiver, and estoppel, and the applicable statute of limitations.
7. Defendant reserves the right to raise additional defenses it learns through the course of discovery.

Respectfully submitted,

SIMCOX AND BARCLAY, LLP

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(signed copy of document bearing signature of
Ronald M. Bolt is being maintained in the office of
John S. Simcox)